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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,415	04/26/2001	Takeo Morinaga	450100-03183	9347

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,415

Applicant(s)

MORINAGA ET AL.

Examiner

HUY T. NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-2 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-2 are directed to non-functional information. Since the claimed information do not impart to any hardware and software structural components to provide certain function that is processed by a computer the information do not make them statutory. See MPEP 2100.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3-7 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyasaka et al (5,991,503) .

Regarding claims 3 and 12, Miyasaka teaches an information processing method whereby a stream of a video packet comprising image data encoded in a frame or a field, image data encoded between forward directional frames or fields, and image data encoded between bidirectional frames or fields is received and recorded into a storage device, comprising the steps of:

detecting a first marker packet (header) which is sent just before a transport packet stream including said intraframe or intrafield encoded image from said received stream; and

identifying said transport stream packet including said intraframe or intrafield encoded image from said first marker packet (Figs. 6-7, column 9, lines 56-68, column 10, lines 1-25, column 11 lines 1-16).

Regarding claims 4 and 13, Miyasaka further teaches a second marker packet which is sent just after said transport stream packet including said intraframe or intrafield encoded image is detected (Figs. 6-7).

5. Claims 3,4,6,7, 8,10,11,12, 13,15,16,17,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al (6,628,890)

Regarding claims 3 and 12, Yamamoto disclose an An information processing apparatus (Fig1.) in which a stream of a video packet comprising image data encoded in a frame or a field, image data encoded between forward directional frames or fields, and image data encoded between

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bidirectional frames or fields is received and recorded into a storage device, comprising:

means for detecting a first marker packet (header) which is transmitted just before a transport stream packet including said intraframe or intrafield encoded image from said received stream; and means for identifying said transport stream packet including said intraframe or intrafield encoded image from said first marker packet (column 5, lines 1-25).

Regarding claims 4 and 13, Yamamoto further teaches the apparatus according to claim 12, further having means for detecting a second marker packet which is transmitted just after the transport stream packet including said intraframe or intrafield encoded image (second header of a subsequent packets).

Regarding claims 6 and 15, Yamamoto teaches holding means for holding recording position information at the head of said intraframe or intrafield encoded image data in said storage device on the basis of a result of said identification (column 7, lines 30-55), column 8, lines 43-55, column 10, lines 45-58).

Regarding claims 7 and 16, Yamamoto teaches the apparatus according to claim 15, wherein upon reproduction, a recording unit including said intraframe or intrafield encoded image data is reproduced from said storage device on the basis of said recording position information at the head of said intraframe or intrafield encoded image data, and a variable speed reproduction is performed (column 9, lines 20-68).

Regarding claims 8 and 17, Yamamoto (6628890) discloses an information recording and reproducing method (Fig. 1) whereby a stream of a video packet

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comprising image data encoded in a frame or a field, image data encoded between forward directional frames or fields, and image data encoded between bidirectional frames or fields is recorded into a storage device on a unit basis of a predetermined number of recording units and said stream is reproduced from said storage device (column 1, lines 55-65, column 11, lines 1-21), comprising the steps of

detecting a first marker (header) packet which is sent just before a transport packet including said intraframe or intrafield encoded image from said received stream; identifying the transport packet of said intraframe or intrafield encoded image data from said first marker packet;

adding information showing said intraframe or intrafield encoded image data on the basis of a result of said identification;

counting said added information showing said intraframe or intrafield encoded image data every recording unit into said storage device; and

adding a result of said counting every recording unit into said storage device (column 5, lines (1-22)).

Regarding claims 10 and 19, Yamamoto further teaches a second marker (header of the subsequent packets which is transmitted just after the transport packet including said intraframe or intrafield encoded image is detected.

Regarding claims 11 and 20, Yamamoto further teaches the method according to claim 8, wherein upon reproduction, the recording unit including said intraframe or intrafield encoded image data is reproduced from said storage device on the basis of a

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result of said counting added every said recording unit and a variable speed reproduction is performed (column 5, lines 25-45) .

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka et al (5,991,503) in view of Mercier (6,865,747).

Regarding claims 1 and 12, Miyasaka discloses an information transmitting method whereby a video packet comprising image data encoded in a frame or a field, image data encoded between forward directional frames or fields, and image data

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encoded between bidirectional frames or fields is transmitted as an encrypted transport stream, wherein a first marker packet is added just before a transport stream packet including said intraframe or intrafield encoded image and the resultant packet is transmitted as said transport stream. (column 2, lines 33-46, column 3, lines 49-65), Figs. 6-7) .

Miyasaka fails to teach that the packets of data are encrypted .

Mercier teaches a method for encrypting packet data . It would have been obvious to one of ordinary skill in the art to modify Miyasaka with Mercier by using the teaching of Mercier for encrypting the packet of Miyasaka order to protect the data packets of Miyasaka from copying .

Regarding claim 2, Miyasaka further teaches a second marker packet is transmitted just after the transport stream packet including said intraframe or intrafield encoded image (Fig. 7) .

8. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka et al (5,991,503) in view of Mercier (6,865,747).

Miyasaka fails to teach that the data packets are encrypted .

Mercier teaches a method for encrypting packet data (column 6, lines 56-68) . It would have been obvious to one of ordinary skill in the art to modify Miyasaka with Mercier by using a encrypting means as taught by Mercier with the apparatus of Miyasaka for encrypting the packet of Mahaska in order to protect the data packets from copying .

9. Claims 6 –7 and 15 –16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka et al (5,991,503) in view of Hirabayashi et al (6,002,834).

Regarding claims 6 and 15, Miyasaka fails to teach storing recording position information. Hirabayashi teaches recording position of the intraframes (Fig. 5, column 3, lines 15-25). It would have been obvious to one of ordinary skill in the art to modify Miyasaka with Hirabayashi by using a storing means as taught by Hirabayashi with the apparatus of Miyasaka for storing the recording position information of intra frame thereby accurately access the intraframe when needed.

Regarding claims 7 and 16, Miyasaka as modified with Hirabayashi further teaches the method according to claim 6, wherein upon reproduction, a recording unit including said intraframe or intrafield encoded image data is reproduced from said storage device on the basis of the recording position information at the head of said intraframe or intrafield encoded image data, thereby performing a variable speed reproduction (see Miyasaka column 11, lines 35-65, column 12, lines 37-55).

10. Claims 5, 9, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (6,288,90) in view of Mercier (6,865,747).

Miyasaka fails to teach that the packet data is encrypted.

Mercier teaches a method for encrypting packet data. It would have been obvious to one of ordinary skill in the art to modify Miyasaka with Mercier by using the teaching of Mercier for encrypting the packets of Miyasaka in order to protect the data packet of Miyasaka from copying.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mobini teaches generating start marker and end marker for stream packs .
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

HUY T. NGUYEN
PRIMARY EXAMINER